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May 10, 2019

Via ECF

Honorable Stanley R. Chesler, U.S.D.J.
United States District Court
50 Walnut Street
Newark, New Jersey 07102

**RE: Securities and Exchange Commission v. S. Paul Kelley, et als.
Civil No: 2:14-cv-02827-SRC-CLW**

Dear Judge Chesler:

I am serving as local counsel for Arthur Fillmore, II, Esq. of the AEGIS Law Firm in Kansas City, Missouri. We are representing Shawn Becker in the above matter.

Plaintiff has filed a motion for remedies returnable on May 20, 2019. (My letter sent early today, Docket Entry No. 39 noted June 3, 2019 as the motion day.) Defendant Shawn Becker is ill and Arthur Fillmore, II, Esq. in Missouri has not been able to meet with him to discuss the matter and prepare a response. Therefore, we request a 30 day extension until June 10, 2019 to file our opposition to the motion and request the motion be carried until July 1, 2019. Arthur Fillmore, II, Esq. has obtained the consent of the Plaintiff.

If you have any questions, or require additional information, please do not hesitate to contact me. Thank you for your consideration with this request.

Respectfully submitted,

By:


Kevin J. Russell

KJR:pm

cc: Nicholas Heinke, Esq. (Via ECF)
Leslie J. Hughes, Esq. (Via ECF)
Arthur Fillmore, II, Esq. (Via e-mail)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

S. PAUL KELLEY,
GEORGE TAZBAZ,
ROGER D. LOCKHART,
ROBERT S. AGRIOGIANIS, and
SHAWN A. BECKER,

Defendants.

Civil No. 2:14-cv-02827-SRC-CLW

Hon. Stanley R. Chesler, U.S.D.J.
Hon. Cathy L. Waldor, U.S.M.J.

Motion Day: June 3, 2019

**NOTICE OF MOTION FOR REMEDIES
AGAINST DEFENDANT SHAWN A. BECKER**

PLEASE TAKE NOTICE that Plaintiff United States Securities and Exchange Commission ("SEC") will move before the Honorable Stanley R. Chesler, U.S.D.J., on June 3, 2019, for an Order setting remedies and for final judgment against Defendant Shawn A. Becker. The SEC and Becker previously reached a settlement in this matter in which Becker consented to the entry of permanent injunctions and a bar from participating in any offering of penny stock, waived trial of this matter, and agreed that the issue of monetary remedies would be resolved at a later date. [Dkt. # 31; see also Dkt. # 33.] In his consent, Becker "agree[d] that the Court shall order disgorgement of ill-gotten gains, prejudgment interest thereon, and a civil penalty," but that "the amounts of the disgorgement

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and civil penalty shall be determined by the Court upon motion of the" SEC. [Dkt. # 31-1 ¶ 3; see also Dkt. # 33 at VIII.] The SEC and Becker have been unable to reach any further settlement in this matter, and therefore the SEC is filing the instant Motion, along with a brief in support of the Motion and a proposed Order.

DATED: April 16, 2019.

Respectfully submitted,

/s/ Nicholas Heinke

Leslie J. Hughes, Colo. Bar No. 15043

Nicholas Heinke, Colo. Bar No. 38738

Counsel for Plaintiff

U.S. SECURITIES AND EXCHANGE

COMMISSION

1961 Stout Street, Suite 1700

Denver, CO 80294-1961

Telephone: (303) 844-1000

Fax: (303) 297-3529

Emails: HughesLJ@sec.gov

HeinkeN@sec.gov

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of New Jersey

Securities and Exchange Commission

Plaintiff

v.

S. Paul Kelley, George Tazbaz, Roger D. Lockhart,
Robert S. Agriogianis, and Shawn A Becker

Defendant

Civil Action No. 2:14-cv-02827-SRC-CLW

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Shawn A. Becker

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place: Aegis, Livestock Exchange Building, 1600 Genessee
Street, Suite 460, Kansas City, MO 64102

Date and Time:

03/19/2019 8:30 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/14/2019

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Nicholas Heinke

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Securities and Exchange Commission, Plaintiff, who issues or requests this subpoena, are:

Nicolas Heinke, SEC, 1961 Stout Street, #1700, Denver, CO 80294, Phone: 303-844-1000, Email: heinken@sec.gov

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).